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EXAMINER
BROWN, VERNAL U

ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/682,152	LANDRAM ET AL.
	Examiner	Art Unit	
	VERNAL U. BROWN	2612	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 June 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,14-24,29-58,65 and 66* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,14-24,29-58,65 and 66* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed on June 17, 2008.

Response to Arguments

Applicant's arguments with respect to claims 1-12, 14-24, 29-58, and 65-66 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-4, 6-9, 11-12, 15, 18-23, 29, 38-39,41, 42, 44, 45, 48-53, and 55-58 are rejected

under 35 U.S.C. 103(a) as being unpatentable over McGreggor et al. US Patent Application

Publication 2003008636 in view of White US Patent 7305234 and further in view of Hoguta et

al. US Patent 6725303..

Regarding claims 1 and 65, McGregor et al. teaches storing a plurality of mobile phones

under the control of a computer (paragraph 057) and the phones are stored in inoperative state

because they are activated before use (paragraph 082). McGregor et al. teaches the host computer

accepting a credit card input which also serve as an identification means and the mobile phone is

place in an operative state by restricting certain features based on the credit card information

(paragraph 027). McGregor et al. is silent on teaching customizing the operation of the mobile device to the preset preferences of the user. White in an analogous art teaches customizing the operation of the mobile device using a host computer based on the user preferences and the configuration data is downloaded to the mobile communication device (col. 2 lines 47-55) and the reference of Hoguta et al. further teaches configuring the mobile device for any special key functionality (col. 14 lines 5-22).

It would have been obvious to one of ordinary skill in the art to modify the system of McGregor et al. as disclosed by White in view of Hoguta et al. because the customization of the mobile phone based on user's preferences provides a more user friendly and flexible device.

Regarding claims 2-3, McGregor et al. teaches the phones are in a secure area (46) and the user is granted access base on the credit card identification information (paragraph 082).

Regarding claim 4, McGregor et al. teaches securing the phone in a secure enclosure (see response to claim 2) but is silent on teaching storing the phones in a secure room. The examiner takes official notice that the storing of phones to be distributed in a secure room represents a conventional practice use to prevent the unauthorized removal of the phones.

It would have been obvious to one of ordinary skill in the art to store the phones in a secure room because the storing of phones to be distributed in a secure room represent a conventional practice use to prevent the unauthorized removal of the phones.

Regarding claims 6-7, McGreggor et al. teaches the phone is selected based on the user preference as reflected in the rental agreement of having certain number blocked or the number of calls limited because of the memory capacity of the phone (paragraph 084).

Regarding claim 8, McGreggor et al. teaches configuring the mobile device to operate in a first interval (given date) and the mobile device becomes inoperable upon expiration of the first interval (paragraph 112).

Regarding claims 9 and 11, McGreggor et al. teaches the operational mobile device is configured to retain data within a memory area, such as an EEPROM for a second interval, described in paragraphs 0059 and 0061, and upon expiration of the second interval and all data within the memory area is purged (paragraph 0085).

Regarding claim 12, McGregor et al teaches that the host computer monitors the port terminals 392 to detect when a mobile phone is inserted into a boot {see McGregor et al, paragraph [0122]} so that when a mobile phone is inserted into the boot, the mobile phone may be programmed with a new operating software. That is, the software in the phone is updated with the new software {see McGregor et al, paragraphs [0123] and [0127]-[0129]}. Further, when the mobile device moves to a new location, monitoring software patches (i.e. update phone software) can be downloaded to the selected mobile device (i.e. the mobile device that moved to the new location) {see McGregor et al, paragraph 0073}. The software patches stored in RAM (i.e. new mobile device operating software) then become the new operating software which logs calls, including time, date, and location when the call was made (see McGregor et al, paragraphs 0074-0075)

Regarding claim 15, McGregor et al. teaches storing a plurality of mobile phones under the control of a computer (paragraph 057) and teaches storing the phones in an inoperative state because the phones must be activated before use (paragraph 082). McGregor et al. teaches

communicating alerts regarding the programming of the phone base on the phone selected

(paragraph 0124).

      Regarding claim 18, McGregor et al teaches a cellular telephone network described in

paragraph 0072, between a first mobile device and a second mobile device, wherein messages

are exchanged over the communications link between the user of the first mobile device and the

user of the second mobile device.

      Regarding claim 19, McGregor et al teaches that the communications link is a direct

communications link, such as a cellular network service providers link {see McGregor et al,

paragraph 0090}, from the first mobile device to the second mobile device.

      Regarding claim 20, McGregor et al teach that the communications link is an indirect

link, such as a communication link provided by other cellular network service providers {see

McGregor et al, paragraph 0091}, from the first mobile device to the second mobile device.

      Regarding claim 21, McGregor et al teaches that the indirect communications link

includes communicating from the first mobile device to the host computer to the second mobile.

      Regarding claim 22, McGregor et al teaches that the host computer tracks the location of

the mobile device as the mobile device moves between a plurality of cells (i.e. mobile device

roams away from home base), described in paragraph 0071-0073, for the purpose of properly

billing the mobile device wherever it travels, described in paragraph 0072.

Regarding claim 23, McGregor et al teaches that the host computer stores the location of

the mobile device in a memory described in paragraph 0072.

Regarding claims 29 and 66, McGregor et al teach of a mobile device allocation system

for securely allocating mobile devices to a plurality of users, comprising:

at least one system backbone, such as a modem link or satellite link described in paragraph 0057,

0093 and 0104. Also see Figures 2 and 9;

at least one host computer, such as such as the central processing unit 14 shown in Figure 1 or a

personal computer 42 shown in Figure 2, coupled to the system backbone; and

a plurality of portable phones 30 (i.e. claimed plurality of mobile devices) shown

in Figure 2, operatively configured to communicate to the host computer 14 or personal

computer 42 through the modem or satellite link,

wherein the plurality of portable phones 30 are initially stored in an inoperative state (i.e. off

state or lock state), and the at least one central processing unit 14 or personal computer 42 and a

selected portable phone 30 are operatively configured to place the selected portable phones 30 in

an operative state based upon an identification code {see McGregor, paragraph 0082}. Also, see

the different phone identification codes used in paragraphs 0106-0107 and paragraph 0133.

McGregor et al. is silent on teaching customizing the operation of the mobile device to the preset

preferences of the user. White in an analogous art teaches customizing the operation of the

mobile device using a host computer based on the user preferences and the configuration data is

downloaded to the mobile communication device (col. 2 lines 47-55) and the reference of

Hoguta et al. further teaches configuring the mobile device for any special key functionality (col.

14 lines 5-22).

It would have been obvious to one of ordinary skill in the art to modify the system of McGregor et al. as disclosed by White in view of Hoguta et al. because the customization of the mobile phone based on user's preferences provides a more user friendly and flexible device.

Regarding claim 38, McGreggor et al. teaches configuring the mobile device to operate in a first interval (given date) and the mobile device becomes inoperable upon expiration of the first interval (paragraph 112).

Regarding claims 39 and 41, McGreggor et al. teaches the operational mobile device is configured to retain data within a memory area, such as an EEPROM for a second interval, described in paragraphs 0059 and 0061, and upon expiration of the second interval and all data within the memory area is purged (paragraph 0085).

Regarding claim 42, McGregor et al teach that the host computer monitors the port terminals 392 to detect when a mobile phone is inserted into a boot described in paragraph [0122] so that when a mobile phone is inserted into the boot, the mobile phone may be programmed with a new operating software, described in paragraph [0123], [0127]-[0129]. Further, when the mobile device moves to a new location, monitoring software patches can be downloaded to the mobile devices described in paragraph 0073. The software patches stored in RAM (i.e. new mobile device operating software) then become the new operating software which logs calls, including time, date, and location when the call was made {see paragraphs 0074-0075}.

Regarding claim 44, McGregor et al teaches that the host computer monitors the port terminals 392 to detect when a mobile phone is inserted into a boot {see McGregor et al, paragraph [0122]} so that when a mobile phone is inserted into the boot, the mobile phone may be programmed with a new operating software. That is, the software in the phone is updated with the new software {see McGregor et al, paragraphs [0123] and [0127]-[0129]}. Further, when the mobile device moves to a new location, monitoring software patches (i.e. update phone software) can be downloaded to the selected mobile device (i.e. the mobile device that moved to the new location) {see McGregor et al, paragraph 0073}. The software patches stored in RAM (i.e. new mobile device operating software) then become the new operating software which logs calls, including time, date, and location when the call was made (see McGregor et al, paragraphs 0074-0075)

Regarding claim 45, McGregor et al. teaches storing a plurality of mobile phones under the control of a computer (paragraph 057) and teaches storing the phones in an inoperative state because the phones must be activated before use (paragraph 082). McGregor et al. teaches communicating alerts regarding the programming of the phone base on the phone selected (paragraph 0124).

Regarding claim 48, McGregor et al teaches a cellular telephone network described in paragraph 0072, between a first mobile device and a second mobile device, wherein messages are exchanged over the communications link between the user of the first mobile device and the user of the second mobile device.

Regarding claim 49, McGregor et al teaches that the communications link is a direct communications link, such as a cellular network service providers link {see McGregor et al, paragraph 0090}, from the first mobile device to the second mobile device.

Regarding claim 50, McGregor et al teach that the communications link is an indirect link, such as a communication link provided by other cellular network service providers {see McGregor et al, paragraph 0091}, from the first mobile device to the second mobile device.

Regarding claim 51, McGregor et al teaches that the indirect communications link includes communicating from the first mobile device to the host computer to the second mobile.

Regarding claim 52, McGregor et al teaches that the host computer tracks the location of the mobile device as the mobile device moves between a plurality of cells (i.e. mobile device roams away from home base), described in paragraph 0071-0073, for the purpose of properly billing the mobile device wherever it travels, described in paragraph 0072.

Regarding claim 53, McGregor et al teaches that the host computer stores the location of the mobile device in a memory described in paragraph 0072.

Regarding claims 55 and 58, McGregor et al teaches a remote communication link, such as a wired modem link or wireless network link shown in Figure 9 and described in paragraph 0092, wherein at least one mobile device communicates to the host computer through the remote communication link. Also see McGregor et al, paragraph 0057.

Regarding claims 56 and 57, McGregor et al teaches that the remote communication link is an Internet or intranet connection, such as a TCP/IP or X.25 link shown in Figure 9. Also see McGregor et al, paragraph 0117 regarding use of standard X21 network communication link.

Claims 5 and 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGreggor et al. US Patent Application Publication 2003008636 in view of White US Patent 7305234 in view of Hoguta et al. US Patent 6725303 and further in view of Bishop et al. US Patent 4951308.

Regarding claim 5, McGreggor et al. in view of Dresti et al. teaches securing the phone in a secure enclosure (see response to claim 2) but is not explicit on teaching the identification code is alphanumeric. Bishop et al. in an analogous art teaches the use of an alphanumeric code to gain access to the phone storage area (col. 4 lines 35-45).

It would have been obvious to one of ordinary skill in the art to use an alpha-numeric code to gain access to the phone storage area because such identification system is cost effective and is conventionally use to secure access to a storage area.

Regarding claim 30, McGregor et al teaches, "centralizing allows implementation of various security measures for the local sites" {see McGregor et al, paragraph 0056}. Furthermore, Bishop et al was shown to teach of an automated vending machine 10 comprised of a cabinet accessible through locked doors (i.e. secure area) {see Bishop et al, column 4, lines 27-28}, which inventories a plurality of mobile cellular phones and selectively delivers one of the phones after reading a credit card number from a user supplied credit card. The transaction may be credited to a user upon verification of a user-entered password, such as driver's license, social security number or the like (i.e. identification code) {see Bishop et al, column 4, lines 52-59}. A selected phone unit is delivered through door assembly 20 and returned through the same door

assembly {see Bishop et al, column 4, lines 42-44}. The crediting of the transaction based on the

user- entered password in Bishop et al, is considered to meet the claimed granting a user access

to the secure area based on the identification code. Bishop et al suggests that the use of a user-

entered password in granting access to secured vending machines is advantageous because it

identifies whether a user renting a phone is authorized.

It would have been obvious to one of ordinary skill in the art, at the time of applicant's

invention, to include granting a user access to the secure area (i.e. vending machine 10) based on

the user-entered password in the system of McGregor et al because, as evidenced by Bishop et al,

it insures that the user accessing the secure area is authorized.

Regarding claims 31-32, McGregor et al teaches the centralizing scheme which allows

implementation of various security measures for the local sites" {see McGregor et al, paragraph

0056} makes the retail stores or rental stores or local service centers a secure room or enclosure.

Regarding claim 33, McGreggor et al. teaches securing the phone in a secure enclosure

(see response to claim 2) but is not explicit on teaching the identification code is alphanumeric.

Bishop et al. in an analogous art teaches the use of an alphanumeric code to gain access to the

phone storage area (col. 4 lines 35-45).

It would have been obvious to one of ordinary skill in the art to use an alpha-numeric

code to gain access to the phone storage area because such identification system is cost effective

and is conventionally use to secure access to a storage area.

Regarding claim 34, McGregor et al teaches a plurality of docking stations, such as the interlink receiver 28 with a boot 32, located in the at least one secure area, wherein each docking station is coupled to the at least one system backbone (i.e. wired communication link 326 or wireless link via dedicated or switched public network) shown in Figure 9, and each mobile device is operatively configured to communicate to the host computer through a respective docking station {see McGregor et al, paragraphs 0054 and 0076+}.

Regarding claim 35, McGregor et al teaches at least one wireless remote station, such as a service center or retail delivery system shown in Figure 9, coupled to the at least one system backbone (i.e. wireless network), wherein each mobile terminal is operatively configured to communicate to the host computer through the ~ireless remote station when the respective mobile device is not in the boot 32 {see McGregor et al, paragraph 0104}.

Regarding claims 36-37, McGregor et al teaches the host computer selects the mobile device to be placed in an operative state based on a pre-selected criteria, such as selectively programming phones for different service providers or reprogram phones when customers switch service providers or exchange phone units {see McGregor et al, paragraph 0104, lines 17-24.)

Claims 10 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGreggor et al. US Patent Application Publication 2003008636 in view of White US Patent 7305234 and further in view of Hoguta et al. US Patent 6725303 and further in view of Ehrman et al. US Patent Application Publication 20030195825.

Regarding claim 10, McGreggor et al. teaches purging the memory upon the expiration of the rental agreement of the mobile device (paragraph 0085) but is silent on teaching returning the mobile device to the secure area prior to the expiration of a particular time interval in order to prevent data stored in the memory from being purged. Ehrman et al. in an analogous art invention teaches the automatic deletion of expired data (paragraph 071), therefore any action taken to avoid the expiration of the data will prevent the data from been purged.

It would have been obvious to one of ordinary skill in the art to return the mobile device to the secure area prior to the expiration of a particular time interval in order to prevent data stored in the memory from being purged because prevent the time allocated for the storage of data in the memory from been expired.

Regarding claim 40, McGreggor et al. teaches purging the memory upon the expiration of the rental agreement of the mobile device (paragraph 0085) but is silent on teaching returning the mobile device to the secure area prior to the expiration of a particular time interval in order to prevent data stored in the memory from being purged. Ehrman et al. in an analogous art invention teaches the automatic deletion of expired data (paragraph 071), therefore any action taken to avoid the expiration of the data will prevent the data from been purged.

It would have been obvious to one of ordinary skill in the art to return the mobile device to the secure area prior to the expiration of a particular time interval in order to prevent data stored in the memory from being purged because prevent the time allocated for the storage of data in the memory from been expired.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGreggor et al. US Patent Application Publication 2003008636 in view of White US Patent 7305234 and further in view of Hoguta et al. US Patent 6725303 and further in view of Hymel US Patent 6114969 and further in view of Deaton et al. US Patent 5642485.

Regarding claim 14, McGreggor et al. is silent on teaching displaying an advertisement on the selected mobile device. Hymel et al in an art related invention in the same field of endeavor of communication device teaches a mobile device, in the form of an SCR 122, for displaying advertisements based on user preferences {see Hymel, column 4, line 53-column 5, line 32}. Hymel suggests that such features, as claimed, is advantageous because providing free advertisement services increases a service providers sales volume of SCR's {see Hymel, column 1, lines 41-48+}. The reference of Deaton teaches utilizing customer shopping history database to perform targeting marketing (col. 5 lines 25-37).

It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include such claimed features in the system of McGregor et al because, as evidenced by Hymel, providing free advertisement services increases a service provider sales volume of SCR's.

Claims 16-17 and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGreggor et al. US Patent Application Publication 2003008636 in view of White US Patent 7305234 and further in view of Hoguta et al. US Patent 6725303 and further in view of Smith et al. US Patent 5266922.

Regarding claims 16-17, McGreggor et al. teaches generating an alarm (see response to claim 15) but is silent on teaching a visual alarm. Smith in an art related mobile communication apparatus teaches a communication device generating an audio or visual alarm (col. 3 lines 40-43).

It would have been obvious to one of ordinary skill in the art to have a visual alarm in McGreggor et al. a visual alarm provides an easily recognizable means of communicating an alarm condition.

Regarding claims 46-47, McGreggor et al. teaches generating an alarm (see response to claim 15) but is silent on teaching a visual alarm. Smith in an art related mobile communication apparatus teaches a communication device generating an audio or visual alarm (col. 3 lines 40-43).

It would have been obvious to one of ordinary skill in the art to have a visual alarm in McGreggor et al. a visual alarm provides an easily recognizable means of communicating an alarm condition.

Claims 24 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGreggor et al. US Patent Application Publication 2003008636 in view of White US Patent 7305234 in view of Hoguta et al. US Patent 6725303.. and further in view of Owen US Patent 5455560.

Regarding claim 24, McGreggor et al. is silent on teaching instructing the mobile device to emit an alert signal to assist in locating the mobile device. Owen in an art related mobile

device invention teaches a mobile device that emits an alert signal to assist in locating the mobile

device (col. 5 lines 30-45).

It would have been obvious to one of ordinary skill in the art for the mobile device to

emit an alert signal to assist in locating the mobile device because this provides the means for

locating a misplaced or lost communication device.

Regarding claim 54, McGreggor et al. is silent on teaching instructing the mobile device

to emit an alert signal to assist in locating the mobile device. Owen in an art related mobile

device invention teaches a mobile device that emits an alert signal to assist in locating the mobile

device (col. 5 lines 30-45).

It would have been obvious to one of ordinary skill in the art for the mobile device to

emit an alert signal to assist in locating the mobile device because this provides the means for

locating a misplaced or lost communication device.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-

3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent
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/Vernal U Brown/

Examiner, Art Unit 2612

October 14, 2008